



THE
Claims of the C L E R G Y
TO A
Divine Right of Maintenance,
And of Disposing of
Church-Livings, &c.



[Price Six Pence.]

A

THE
CLAIMS
OF THE
CLERGY
TO A

Divine Right of Maintenance,

And of Disposing of

Church-Livings,

Exemplified in the Pretensions and
Conduct of the present *SCOTCH*
CLERGY; and in the Behaviour of
their Creatures, the Multitude.

In a Letter from a *Scotch Presbyterian*,
now settled in a Dissenting Congrega-
tion in *England*, to a Minister of the
National Church of *Scotland*. With
the *Scotch Minister's Answer*.

Occasioned by the *Tythe-Bill* now depen-
ding in *Parliament*.

L O N D O N :

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T H E

Claims of the *Clergy*

T O A

Divine Right of Maintenance, &c.

Reverend and Dear Sir,

I Send you a Paper on the Subject of Tythes *, very much esteemed here, for the Use of the Majority of the General Assembly, who, as I am told, assert a Divine Right to Tythes, at least to Stipends payable out of Tythes ; and for the Information of our good Christian Commonalty, who having no Property of their own, do nevertheless claim a Right in themselves to the Properties of others, in

* An Answer to the *Country Parson's Plea against the Quakers Tythe Bill*. In a Letter to the R. R. Author, &c.

so far as they are applied to the Payment of their Ministers Stipends, originally given, and still payed by others.

They are in the Right, and speak with great Truth and Justice, when they say, that the fierce, uncharitable, and most unchristian Contention, which is made in the calling and settling of Ministers, is not for the Flock, but the Fleece; for I never heard that any one ever hindred, or in the least ever thought it wrong in them, to call a Minister of their own, if they disliked the Minister already called, and paid (by others for his ministerial Work and Labour amongst them.)

This Paper is much to the Purpose, with Regard to our unhappy Disputes, fruitful of many and great Mischiefs, to Christianity; as well as to civil Society; Disputes which took their Rise from our being overstock'd with Clergymen, and which are still growing in Proportion, as the Numbers of licensed Preachers exceed the Number of vacant Benefices, so far, that we have now commonly half a Score or more Candidates for every Vacancy.

If it is thought proper to reprint this, it is more to the Purpose, than all the Arguments drawn from the constrained Senses put upon some Texts of New-
Testament

Testament Scripture, by interested Clergymen, to vest in themselves a divine Right to Tythes or Stipends, founded on the Doctrine and Practice of those, who, if we may credit their own Testimonies, ministred to their own Necessities by the Labour of their own Hands, or depended upon the charitable Contributions of well-disposed Christians, without making the least Claim, as of Right, to the smallest Proportion of the Properties of others.

A divine Right to Tythes can have no Foundation but in the Levitical and Ceremonial Law of the Jews, which is by Christianity fulfilled and abolished; or in the Appointments of the Pagan Priests made by those blind Votaries of the vain Idols, who had no other Being than in the foolish and wicked Imaginations of such who worshipped them: But as Life and Immortality was brought to Light by the Gospel, those Clouds of Error, Ignorance, and Superstition, and all the worldly Profits and temporal Power that followed them, are dispelled by the Light of the Gospel.

The Christian Church, which comprehends the whole Descendants of *Adam* that believe, is a Thing very different from a National Church established by the

the Laws of any Christian Country. The Clergy, as Christian Ministers, have no Claim whatsoever to the least Share or Proportion of the Property of any one, further than he may be pleased voluntarily and freely of his own Accord, to give it. But the Clergy of an established national Church, have by the Laws of the Land, a Right to the Properties of the Laity, so far as the Legislature has given them a Title to it.

Every national Church is a Creature of the State, and depends upon the State for its Rights, to the Freedoms, Immunities, Monopolies, and exclusive Privileges it enjoys ; as well as to the Tythes, Stipends, Glebs, Mansion-Houses, and other Ecclesiastical Fees and Emoluments, paid by the Laity, for the Maintenance and Support of its Ministers, and other Ecclesiastical Affairs.

No Christian Minister can be lawfully hindered to preach the Gospel of Christ ; but no Minister, although a Person of the most exemplary Life and Piety, sound and orthodox in the Christian Faith, be he ever so well qualified for the Office of the Ministry, can enjoy, or acquire a Title to enjoy, any temporal Benefit or Advantage, belonging to any national Church,

Church, unless he subscribe and assent to, all the Articles and Conditions of Communion with that Church, and also submit to all the Rites, Ceremonies, particular Modes, and Manner of Worship and Devotion, peculiar to, and practised by that Church: Nor can any Person present a Minister so qualified to the Possession of any Ecclesiastical Benefice in that Church, or vote for such a Minister but those only in whom such Right of Presentation or of Voting, is vested by the Laws of the Land.

Every Person who differs with the national Church in any of these Points, is a Dissenter from that Church; but Liberty of Conscience is in this, and in every free State allowed; and the same Law, the same civil Power, that establishes the national Church, tolerates Dissenters, and protects them in the free Exercise and Enjoyment of their own religious Opinions; and ties up the Hands of the established Clergy from persecuting or hurting these their Fellow Christians, who differ from them in Opinion about religious Matters, Modes, or Manner of Devotion, and Forms in Worship. The Case, with Regard to Individuals, is the same as with whole Societies or Sects of Christians: He who dislikes any Minister on

Account of his Morals, or from a Disesteem of his Parts and personal Abilities, and ministerial Gifts, &c. although perhaps founded upon Prejudice, is a Dissenter from that Minister, and cannot be forced to submit to his Ministry; but is at Freedom to chuse whom he pleases for his own Minister.

Where then is the least Ground of Dispute (about settling the vacant Parishes of a national Church) consistent with common Sense, and common Honesty? The Legislature may establish a national Church, constituted in such Manner as it thinks proper, and propose it to the People; But the Legislature itself cannot, consistently with the Liberties of a free People, impose it upon the People.

Every one then has an unquestionable Title to chuse his own Minister, not only as a Christian, but as a free-born Subject of this Realm: But no Man, or any Sett of Men have, or can have a Right to dispose of any Temporality belonging to the national Church, but those in whom the Legislature has thought fit to vest that Right.

If any one or more of the People of any Parish are so much displeased with the Minister who obtains a legal Settlement amongst

mongst them, as to refuse to submit to his Ministry, such are Dissenters from that Minister, and may, if they please, make use of the Right allowed by Law in favour of Dissenters, to chuse another Minister for themselves.

The Law tolerates Dissenters ; but no Dissenter, at least no Protestant Dissenter ever claimed a Right to the Temporalities belonging to the Clergy of either of the two national Churches that are in this Island of *Great Britain*, severally by Law established.

The Church of *Rome* indeed have made a profitable Exchange of Christianity, for the temporal Wealth and Power of the Jewish and Pagan Priesthood ; and in consequence of the excessive Wealth, and enormous Power of its Clergy, has as effectually ruined Christianity, as it has subverted and destroyed the civil Rights and Liberties of Mankind. But can a Protestant Clergyman, professing himself to be a Minister of Jesus Christ, who declared that his Kingdom was not of this World, and that his Service was inconsistent with the Service of Mammon, claim a divine Right to Mammon, because he is the Servant of Christ ? And is it not shocking to common Sense, to

pretend to found this Right upon the holy Scriptures (which the Church of *Rome*, sensible of so gross an Absurdity, have wisely locked up from the Laity) while they profess to allow all Mankind to read, peruse, examine, and to search them diligently ; to prove all Things, and to hold fast that which is best ?

Christ alone is the sole and only Head of the Christian Church universal ; but the supreme civil Magistrate is, in every Country not enslaved to the See of *Rome*, Head of the national Church ; no christian Minister, as such, has the least Shadow of a Claim, as of Right, to the smallest Proportion of the Property of any Man ; but every Minister of a national Church has by Law a just Title and Right to all the ecclesiastical Temporalities and Profits which the Law allows him. Do not the People of *Scotland* of the Communion of the Church of *England*, those of the Episcopal Perswasion, the Independents, Quakers, and those Presbyterians who (on Account of some Scruples, with Regard to the Government and Discipline of the national Church, as at present by Law established) differ from it, all of them severally support and maintain their own Ministers, Preachers and

and Speakers, as Dissenters from the national Church? I have heard indeed of three or four Presbyterian Ministers, who publicly and openly dissent from the national Church as impure, until she is reformed from certain Errors and Heresies which they are pleased to charge upon her, who do nevertheless keep violent Possession of the Temporalities of the national Church: Whether they found this Possession upon the Principles of the Church of *Rome*, or of the reformed Protestant Churches, must be left to themselves to determine, since those few infallible Guides are too wise to submit to any other Determination.

The Right of Presentation as the Law now stands, is vested in the Patron, and the Right of Collation in the Church-Judicatories: And if the Patrons do not use their Right within six Months after the Vacaney happens, then the Right of Presentation, as well as of Collation, devolves upon the Presbytery: But both the one and the other are by Law tied up to the Observation of one Rule in the Exercise of this Right: That neither of them can present or presbyterially call any Person to be Minister of a vacant Congregation, who is not either a Minister lawfully

fully ordained by, and according to the Rules of the national Church of *Scotland*, as by Law established, or by the same Authority, and in the same Manner, licensed to preach the Gospel, and declared by a Presbytery properly constituted, to be well qualified and deserving to be a Minister of any Presbyterian Congregation.

This is a necessary, and it is a sufficient and absolute Security to the national Church, for all its Rights and Privileges; and no profest Presbyterian can have any Ground to dissent from a Presbyterian Minister, thus presented or presbyterially called and settled on Account of Principle.

When a Parish becomes vacant, every Candidate who has the smallest Hopes of Success, first makes Application (by his Friends) to the Patron and considerable Heritors, who for the most part agree on the same Person to be presented †. And if the Friend or Favourite of the leading Ministers, and governing Party of the Presbytery, has the good Fortune to succeed with the Patron, as

† NB. *About one half of all the Advowsons or Patronages in Scotland belong to the Crown, and the King rarely presents but upon Application from the most considerable Heritors of the Parish.*

those

those Ministers have frequently one or other of them, a Son, a Nephew, or some near Relation, who is bred a Clergyman and a licensed Preacher, to be provided for; then all goes well, the Peace and Quiet of the Parish is not in the least disturbed; the Patron grants a Presentation, the Candidate (as the Law directs) accepts of it, the Presbytery concurs with it, and the Settlement is made in the most peaceable and Christian Manner, without Loss of Time, or Expence to any Party concerned. But,

If the Candidate designed by the Majority of Presbytery be disappointed, and another licensed Preacher, who is perhaps a Son or a near Relation of some considerable Heritor of the Parish be preferred by the Patron, then all manner of Art and Industry, and most undue Influence is used to spirit up the Parish against the Person presented. The People, who on the other Event, were taught Resignation, christian Humility and Submission, are now told, they themselves have a Right to chuse their own Parish Minister; that it was the most valuable Legacy Christ had left them, and was therefore a divine Right; that Patronages were antichristian Tyranny, secular Bondage, and

Erastian

Erastian Heresy. Thus Parishes, when Clergymen are disappointed in their worldly Views, become divided, inflamed; put together by the Ears; the one half against the other; and the Contention fomented and carried on with the utmost Keeness, Heat and Animosity, disguised under the specious Name of Zeal for Religion.

The Presbytery are Judges of the Settlement in the first Instance, and after an expensive Attendance with Lawyers, and a fierce Contention of the Parties concerned, managed with great Heat and Rancour, on both Sides, at several Dyets of Presbytery, who meet but once a Month, the Cause is at last by them determined, according to the Good-will and Pleasure of the Majority, and carried by the Party aggrieved, by Appeal to the next Synod, which perhaps does not set sooner than six Months after.

Whether the Sentence of the Presbytery is affirmed or reversed by the Synod, the Cause rarely fails of being carried from them, either by Appeal or Reference to the next general Assembly, which perhaps does not meet sooner than six or eleven Months after the Synod.

General

General Affemblies, during their fhort Sittings, determine few of thofe Caufes, but refer them to their Commiffion, which meets but four Times in the Year, and fits but three Days at a Time; fo that after an expenfive Attendance of the Parties and their Lawyers upon Church-Judicatories, fitting in feveral Parts of the Kingdom, often very diftant from one another, after a Parifh is kept vacant for Years together; and the People of the Parifh, during all that Time, involved in a moft unchristian Strife and Debate, fo much imbittered and enraged againft one another, that they rarely fpeak to one another but in Wrath; the Caufe is at laft determined, but the Peace of the Parifh is not thereby reftored. For,

If the Presbytery, within whofe Bounds the Parifh (thus at laft fettled) lies, happens to be over-ruled, then the Minifter fo directed to be placed by that Presbytery, is from the Pulpits of thofe Clergymen who caufed and conducted the Oppofition, called an Intruder, a Theif and a Robber, who came not in by the Door, but through the Antichriftian Window of Patronages, fecular Power, and Eraftian Herefy: That it is finful in the People to fubmit to fuch a Minifter; that they ought to affert and maintain their juft

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Rights; that their Fathers had resisted unto Blood; and they are in the most pathetic Manner exhorted not to desert the Cause of Christ by a sinful Submission. All this is publickly preached from the Pulpit as the Word of God, and recommended to the Multitude as Zeal for Religion and for the Truth, in open Defiance of the Laws of the Land, and a Reproach to the christian Religion.

Thus is the blessed Gospel of Peace traduced by its Preachers, and by them made a Bone of Contention and Strife; a Motive for intestine War, and publick Disorder and Confusion.

When such a Sentence of the highest Church Judicatory is intimated in Form to the Presbytery; they call it an unjust Sentence, and a violent Invasion of the Rights of the People for whom Christ died; that they will not involve themselves in the Guilt, by a sinful Submission, and flatly refuse to put it in Execution, and so the Parish must still continue vacant, until Application is made to another General Assembly or Commission, to put their own Sentence in Execution; who, out of Tenderness to their disobedient Brethren of that Presbytery, commonly appoint the Settlement to be
made

made by Ministers from other Presbyteries: And this is likewise complained of and called an Infringment of the radical Power of Presbyteries.

The poor unhappy People who are misled by these wild and unchristian Doctrines, and by the rebellious and pernicious Example of the Majority of a Presbytery; assemble from all Corners of the Country, at the Place and Time appointed for the Settlement, to obstruct it, by open Force and Violence; and such Settlements are at last (but too often) made at the Expence of a Breach of the publick Peace and Bloodshed. And those of the Parish, who are engaged in the Opposition, desert their own Minister, neglect their Labour, and the Care of their Families, and wander about from Place to Place to hear those demagogue Preachers, who promote Strife, sow Sedition, and sound the Trumpet of Rebellion against the Civil Power; because they are not allowed to dispose of the Temporalities of the Established Church, and to settle every vacant Parish with a Friend or Creature of their own. So ill do Clergymen brook Disappointments, and so far do they carry their Resentments beyond the rest of Mankind.

These Confusions and Disorders are by the High Clergymen charged upon the Law, commonly called the Patronage Act, altho' they evidently flow from another Source, which I mentioned at first, *viz.* from our being greatly overstock'd with Licensed Preachers; for so long as we had vacant Parishes sufficient to provide the Clergy as they came out to the Ministry, we had no Disputes of any Kind about the Right of Voting, or manner of settling vacant Congregations: But when Competitions betwixt two or more Candidates for one Vacancy became frequent these stirred up that Spirit of Pride and Worldly-mindedness, which had before been vented on Objects less hurtful to Society, or had lain dormant for want of Fuel. And the Question now is, whether if the Legislature should think fit to repeal this Law, any other Law could possibly be contrived, to allay or divert that Spirit of Strife and Contention. A Law that would prevent those unreasonable and groundless Complaints of these Clergymen, who seem to delight so much in Strife; that the Peace of Society must be disturbed by them, as often as their worldly or ambitious Projects

jects are defeated or thwarted. --- For Example,

Should the Legislature place this Right and Power of disposing of the Temporalities belonging to the several Parishes of the Church of *Scotland*, as at present by Law establish'd, in Heritors of each Parish; would not the Patron, if he was not an Heritor, and every other Person of the Parish (except the Heritors) have the same Ground of Complaint they now have? Or,

If this Right was vested, where it was in those Times, which are called the purest Times of Presbytery, in the Elders only; would not every one of the Parish, except those few Elders, who are commonly the Creatures and Tools of the Clergy, have the same Cause of Complaint? Or,

If this Right was placed, as it was by the Act of Parliament 1690, in the Heritors and Elders jointly; would not all the rest of the Parish, except these Heritors and Elders, have the same Reason to complain? Or,

If this Right was lodged, where the Clergy occasionally, when it suits their Purpose, pretend it ought to be, in the Multitude, in every Person within the Parish

rish, either exclusive or inclusive of the Heritors and Elders, would this cure the Evil ? Would not the Clergy, if they happened to differ (as they often do) about the Person they recommended to the Parish, severally do their best to serve their Friend ? And would not the same Means and Artifices as now, be used to divide and inflame the Parish ? And if a Minister happened to be called by a Majority of one, of such a Poll, would not the Cause run the same Round, through all the Church-Judicatories, and be at last determined according to the good Will and Pleasure of the Church-Judicatory, who on such Event, would have the Right really in themselves, as the last Resort ? And when such a Settlement was at last made, would not one half of the Parish have the same Reason as now to dissent from the Minister so settled ? But the Truth is, the People are not so unreasonable, if the Clergy would be so good as to withdraw their Influence, and leave them to themselves ; they would then chearfully submit to the Ministry of any Man of a good Life, that was properly ordained, and lawfully settled amongst them. We should hear of no Strife, no Disorders, or any unchristian Practice amongst
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the People, if they were let alone, and left at Freedom to judge for themselves. Let it then be considered,

If this Right was vested, where the Clergy, by every Step of their Conduct, plainly intend it should be placed, and where, in Spite of the Law, in many Cases it now is in Effect placed, I mean in the Presbytery within whose Bounds the Vacancy happens; would not the whole Parish have just cause to complain? Could any Parish expect in that Event to be in the least considered in the Choice or Call of their own Minister, so long as any Member of the Presbytery had a Son, or any Relation that was a licensed Preacher to be provided for? Are there not Instances where a Presbytery, when the Power or Right of Presentation has fallen in their own Hands; have thrust a Minister upon a Parish, against the Consent of the Patron, of the Heritors, of the Elders, and against the Consent of every Individual within the Parish? And is it to be imagined that they would act from any other Motive, than that of their own Interest?

If every Presbytery in *Scotland*, as a Corporation, had the same Power to dispose of the Temporalities of the Church,

as

as the individual Ministers, when legally placed in a Parish, have severally to enjoy them ; would not the Clergy be entirely independent on the Laity ? And would not Popery be thereby in part again establish'd in this Nation ? And yet it must be acknowledged, that such a Measure would effectually cure and prevent our present most unhappy Divisions and Disputes, and the Disorders that attend them ; for then the Controversy would be only between *Clergymen* and *Clergymen*, and be determined by the Majority of every Presbytery : As in *Roman Catholick* Countries, where the Laity are absolutely enslaved to the Clergy, there are no Disputes of this Kind. The Question then is,

How these Disputes, which divide and inflame the common People, and turn their Heads from minding the ordinary and necessary Affairs of their Family, to Debates upon the Import and Meaning of certain *Greek* Phrases, relating to the Manner of calling of Ministers by the Apostles ; a vain Knowledge about doubtful Questions ; which they are nevertheless so fond of, that they prefer it to Morality and practical Religion, although like *Papists*, they implicitly submit to
that

that Sense which their Favourite Clergy are pleased to put upon the Text ; Disputes which disturb the publick Peace, and have been the Cause of many popular Tumults, Riots, and Disorders ; the Question, I say, is, How this Evil, this growing Evil, which calls so loudly for a Remedy, is to be cured and prevented ? It might, no doubt, be cured in part,

If the Legislature should think fit to prescribe such Rules of Direction for the Church-Judicatories to determine Questions upon this Subject, as could not be dispensed with, or eluded by the Clergy.

But if it is to be totally cured, there is no Medium. The Power and Right of disposing of the Temporalities of the Church, and of determining all Questions and Debates that may arise upon such Disposition, must either be absolutely vested in the Clergy, as it was before the Reformation ; whereby we should have a Kind of Popery established again amongst ourselves, by a papal Power in every Presbytery : Or it must be placed where it was before the Times of Popery, in those Hands whence it originally flowed, and where it must still have continued, if our Fore-fathers had not, in the dark Times of popish Bigottry and Superstition, given

it up to the Clergy, out of whose Hands we have not hitherto been able totally to recover it ; I mean the civil Magistrate and Courts of Law.

If the Clergy were left at Liberty to pursue the spiritual Concerns of their holy Function only, to employ themselves in that, and in that alone ; and should be, by the Laws of the Land, (since Christianity proves too feeble a Tie to bind them) restrained from meddling with secular Affairs, and the temporal Things of this Life, especially since the Laity have made so plentiful a Provision of the Things of this World for their comfortable Maintenance and Support ; we should have as few Disputes about the planting and settling of vacant Parishes in *Scotland*, as there are in *England* ; where the Ecclesiasticks being under the Controul of the civil Magistrate, the Right to present, and Manner of inducting or settling a Minister in a vacant Parish, is so well understood, that there rarely happens any Dispute, or so much as a Question about it.

The Right and Power of trying, licensing, and ordaining, ought to be in the Church-Judicatories ; and that is an absolute Security to the national Church by Law establish'd, of all its Rights and

Pri-

Privileges ; for no Man can thereby be admitted to possess any Living belonging to the National Church, who is not sufficiently qualified for the Office of the Ministry ; and of the Principles of the establish'd Church. But,

The Power of giving, and of determining any Questions that may arise upon the Right to possess the Stipend, * Manse, Glebe, and other ecclesiastical Profits of any Parish, ought to remain in those Hands where the Legislature has now placed it, or in whose Hands soever the Legislature should at any Time think fit to place it ; and be determined by the Courts of Law ; because these must govern themselves by Law, and not in the arbitrary Manner practised by Church-Judicatories, but must determine according to Law ; and their Judgment is liable to be reviewed by the supreme Court, the last Resort of this Realm, the House of Peers of *Great Britain*.

I am,

Reverend and Dear Sir,

Your's, &c:

London, April 22, 1736.

* *The Manse signifies the Minister's House, which is supported and kept in Repair by a Parish Rate.*



The Scotch Minister's Answer to the foregoing Letter.

Reverend and Dear S I R,

I Received your Letter of the 22d ult. with the Pamphlet, call'd, *An Answer to the Country Parson's Plea, &c.* I have perus'd both with Attention, and am of Opinion, if they were dispersed in this Country, so as to fall into the Hands of all those who have been engaged in our most unhappy, and, as you justly call them, unchristian Disputes, they might have the Effect to cure them, in some Measure ; by determining every Man of common Sense and Honesty, who has no direct Interest, worldly or ambitious View, to promote these Disorders, to use his Influence to prevent them for the future.

But

But I suppose you have not yet forgot the Temper and Disposition of our High-flying Brethren ; that although they are the Minority in most Presbyteries, yet how indefatigable they are to seduce the sincere, well-meaning, but ignorant Country People, who are our own Elders, and to inflame them against every one who differs with themselves in Opinion, should they by such Means get a Majority in any Church-judicatory, as they have of late done in our General Assemblies, you know how severe our Church Discipline is. And if they failed in this, how ready would they be to out-hound all the furious and ignorant Bigots upon any Person, especially one of my Character, who should be concerned in publishing, or offering to the Consideration of Mankind, any Paper of this Kind, that tends to destroy their *darling Idol, Popularity*, and to lessen the mighty Figure they imagine they make in this Country, by their Influence upon those well-meaning, but unwary People, who are misled by them.

I have therefore kept the Paper upon Tythes, but returned your own Letter ; because if it is printed at *London*,
our

our Booksellers here may have both from thence ; and every Man, Clergyman as well as Layman, who dare open his Eyes to Reason, may in this Age of Liberty, safely read what he pleases for his better Information.

I am,

Reverend and Dear Sir,

Yours, &c.

*Edinburgh,
May 1, 1736.*

